

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2002**

AGENDA ITEM NO.: **14**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning petition – WITCO, Inc**

RECOMMENDATION: Approval of the requested rezoning.

SUMMARY: WITCO, Inc., has petitioned to rezone .45 acres located at 1200 Lakeside Drive, from I-2, Light Industrial District, to B-5 (Conditional), General Business District to allow the operation of an automatic carwash facility. The Planning Division (PD) recommended approval of the CUP because:

- Petition does not agree with General Plan, which recommends a General Industrial Use for the subject property.
- The proposed *Comprehensive Plan 2002 – 2020* recommends a commercial use for the subject property, in which the proposal would be in agreement.
- Petition proposes a less intensive zoning classification than currently exists.
- Petition is compatible with the surrounding land use and zoning in the area.

PRIOR ACTION(S):

July 24, 2002: Planning Division recommended approval of the rezoning.
Planning Commission recommended approval (4-0, with one member absent, and two members abstaining) of the rezoning.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253
Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM I-2, LIGHT INDUSTRIAL DISTRICT TO B-5 (CONDITINAL) GENERAL BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76._____, which section shall read as follows:

Section 35.1-76._____. Change of a certain area from I-2, Light Industrial District to B-5 (Conditional), General Business District.

The area embraced within the following boundaries . . .

Beginning at an iron at the intersection of the northern line of Lakeside Drive (formerly Oakley Avenue) with the easterly line of Hood Street; thence with said line of Hood Street N 30° 18' W 114 feet; thence leaving said line of Hood Street N 53° 23' 20" E 145.55 feet to an iron in the dividing line between Lot No. '2' and Lot No. '1'; thence with said last mentioned dividing line, S 43° 59' E 133.80 feet to an iron in the northern line of Lakeside Drive; thence with said line of Lakeside Drive S 59° 42' W 176.3 feet to the iron at the point of beginning.

. . . is hereby changed from I-2, Light Industrial District to B-5 (Conditional), General Business District, subject to the conditions set out hereinbelow which were voluntarily proffered in writing by the owner, namely: Frederick Lawson, to wit:

The following uses will be excluded:

- Used car lots
- Armories
- Automobile and truck rental
- Automobile, truck and trailer sales with outside storage permitted
- Automobile service stations
- Automobile and truck tire sales
- Rebuilding and retreading establishments
- Battery sales
- Bottling plants
- Black smith shops
- Book binding
- Building material sales
- Drive-in theaters
- Automobile painting and body repair shops
- Motion picture production studios
- The site will be developed in substantial compliance with the approved site plan.
- The car wash building will be constructed of split faced block with a decorative three (3) foot high fascia brick.
- The free standing sign will be a low stance sign.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this Chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: July 24, 2002
Re: **REZONING: I-2 to B-5 CONDITIONAL at 1200 LAKESIDE DRIVE**

I. PETITIONER

Mr. Wilton Burgess, 2220 Lakeside Drive, Lynchburg, VA 24501

Representative: Mr. Ty Mosby, Berkley-Howell, 306 Enterprise Dr, Suite C, Forest, VA 24551

II. LOCATION

The subject property is a tract of about 0.476 acres located at 1011 1200 Lakeside Drive.

Property Owner: Mr. Frederick Lawson, Route 3, Box 3, Appomattox, VA 24522

III. PURPOSE

The purpose of this petition is to rezone the subject property from I-2, Light Industrial District to B-5 (Conditional), General Business District, to allow the construction and operation of an automated carwash facility.

IV. SUMMARY

- Petition does not agree with the General Plan, which recommends a General Industrial Use for the subject property.
- The proposed *Comprehensive Plan 2002 – 2020* recommends a commercial use for the subject property, in which the proposal would be in agreement.
- Petition proposes a less intensive zoning classification than currently exists.
- Petition is compatible with the surrounding land use and zoning in the area.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **General Plan.** The Lynchburg *General Plan* recommends a General Industrial use for the subject property. The proposed rezoning of the property is not in compliance with the existing *General Plan*. However, the petition is in compliance with other development policies of the *General Plan*. General Development Policy number four (4), states that "development patterns which tend to result from market forces will be permitted and encouraged where they are compatible with other policies". The property to the east fronting Lakeside Drive was rezoned on August 8, 1995 by the City Council from I-2, Light Industrial District to B-5 (Conditional), General Business District to allow the construction and operation of a convenience store. The remaining subject parcel would more than likely never be developed for an industrial use other than a parking area for the existing industrial use to the north. In this instance a previous rezoning and market forces have proven the need to deviate from the land use pattern as shown in the *General Plan*. The proposed *Comprehensive Plan 2002 – 2020* will recommend a commercial use for the subject property.
2. **Zoning.** The existing I-2, Light Industrial District zoning was established in 1978. Historically the property was annexed into the City in 1926, and was zoned for residential uses until the 1960's when it was zoned for industrial purposes.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application.
 - The following uses will be excluded:
 - Used car lots
 - Armories
 - Automobile and truck rental
 - Automobile, truck and trailer sales with outside storage permitted
 - Automobile service stations
 - Automobile and truck tire sales
 - Rebuilding and retreading establishments
 - Battery sales
 - Bottling plants

- Black smith shops
 - Book binding
 - Building material sales
 - Drive-in theaters
 - Automobile painting and body repair shops
 - Motion picture production studios
 - The site will be developed in substantial compliance with the approved site plan.
 - The car wash building will be constructed of split faced block with a decorative three (3) foot high fascia brick.
 - The free standing sign will be a low stance sign.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the construction and operation of the automated carwash facility.
 5. **Surrounding Area.** The following are items in the surrounding area that have required City Council approval:
 - On October 09, 1984, the City Council approved the petition of Richard Woody for the rezoning of 1311 & 1315 Lakeside Drive from B-3, Community Business District to B-5 (Conditional), General Business District to allow the car sales.
 - On September 11, 1990, the City Council approved the conditional use permit petition of Lynchburg City Schools at 401 Monticello Street for the installation of modular class room units.
 - On August 08, 1995, the City Council approved the petition of Wilton Burgess for the rezoning of 1200 Lakeside Drive from I-2, Light Industrial District to B-5 (Conditional), General Business District for the construction and operation of a convenience store.
 - On May 14, 2002, the City Council approved the petition of Schaefer Oglesby for the rezoning of 1401 Lakeside Drive from B-3, Community Business District to B-5 (Conditional) to allow used car sales.
 6. **Site Description.** The subject property is a vacant lot comprised of 0.476 acres. The property is bordered to the north by an industrial use, and to the south (across Lakeside Drive), east, and west (across Hood Street) by commercial uses. The property is a relatively flat grass lot with little existing landscaping.
 7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction and operation and construction of an automated carwash facility.
 8. **Traffic & Parking.** The City Traffic Engineer and Planning Staff worked closely with the developer to insure that the submitted plan would be in compliance with the "Cross Town Connector" that is scheduled to have construction started in 2006. The major street improvements associated with the connector are proposed for the East Side of Lakeside Drive. The subject property will in fact gain approximately eight (8) feet in places adjacent to Lakeside Drive. Lakeside Drive is and will continue to be a major corridor for the City. There are several other issues associated with traffic and the proposed development. Of primary concern is the number of existing curb cuts along the corridor. The petitioner has agreed to reduce the number of entrances to the existing convenience store from two (2) to one (1) and construct the primary entrance from Lakeside Drive to the proposed carwash in a manner that will facilitate a "right in / right out" traffic movements. The majority of the traffic generated by the carwash will be associated with the existing convenience store. The carwash alone should not generate a significant amount of additional traffic on Lakeside Drive or Hood Street.
 9. **Storm Water Management.** A storm water management plan will be required for the proposed development because disturbed areas will exceed 1000 square feet. Although a storm water management plan has not been submitted these requirements will most likely be handled with Best Management Practices (BMP's), if disturbed areas do not exceed 10,000 square feet.

The Conservation Specialist for the Robert E. Lee Soil & Water Conservation District has requested that the developer install a "recycling" system to conserve water usage. The petitioner is exploring this option, and will most likely install a "dual" system that will allow water conservation measures to be initiated in times of drought.
 10. **Impact.** The current submittal proposes the rezoning of a vacant 0.476 acre tract from I-2, Light Industrial District to B-5 (Conditional), General Business District to allow the construction and operation of an automated carwash facility. The proposed zoning is a more restrictive classification than currently exists for the subject property. However, it is not likely that the tract would ever be developed for industrial uses. The City Manager, the City's Economic Development Director, and the Planning Division have no concerns with loosing this small piece of industrially zoned land.

Lakeside Drive is a major corridor for the City and a major gateway to Lynchburg College. Of primary concern to the Planning Division is traffic conditions along this corridor and the overall aesthetics and design of the site. The petitioner has been very cooperative in working to alleviate these concerns. Traffic conditions should be improved by the improvements as indicated on the site plan. The site will be substantially landscaped with interior shading of the parking areas, foundation plantings and

street trees. Architectural design of the building has been discussed with the developer. The developer has stated that the building will be constructed of "split-face" masonry block, with a brick foundation to a height of at least three (3) feet. The gable roof will be constructed of "standing seam metal". Colors will be determined prior to final site plan approval. Signage will consist of a "monument" sign that will be coordinated with materials used in the construction of the proposed building. The proposed landscaping, building and entrance design should "soften" the site and minimize any adverse impact from the development.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on July 2. Comments about the proposal were related to traffic movements and overall design of the development. Comments will be addressed by the developer prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Waiver of 21 –day prior submittal:

1. **That the Planning Commission waive the 21 –day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by Wilton Burgess for the property at 1200 Lakeside Drive.**
2. **Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the Petition of Wilton Burgess to rezone 0.476 acres at 1200 Lakeside Drive from I-2, Light Industrial District, to B-5 (Conditional), General Business District, to allow the construction and operation of an automated carwash facility.**

This matter is respectfully offered for your consideration.

William T. Martin
Planner III

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Official
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Ty Mosby, Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern
(see attached map)
2. Vicinity Proposed Land Use
(see attached map)
3. Site Plan
(see attached site plans)

MINUTES FROM THE JULY 24, 2002 PLANNING COMMISSION MEETING

These minutes have not yet been reviewed or approved by the Planning Commission

Petition of WITCO, Inc. to rezone approximately .45 acres at 1200 Lakeside Drive from I-2, Light Industrial District to B-5 (Conditional), General Business District to allow the operation of an automatic carwash facility.

Mr. Martin explained to the Commission that this parcel was approximately ½ acre fronting Lakeside Drive, and was left zoned I-2 after the current Quick-E Food Store property was rezoned in 1995. He said this site was too small for any industrial use other than maybe a parking lot for the adjoining industrial business. He added that the City had worked closely with the developer in looking at the future plans for the cross-town connector. He said the developer had been very acceptable to the recommendations made by the Planning Department, most notably closing one of the entrances to the Quick-E store and developing a landscape median at the entrance to the proposed car wash to facilitate a right-in and right-out traffic flow. Mr. Martin said the building would be split-face block and brick from grade to three feet in height with a metal standing seam roof. He concluded by saying that in the year 2006, when the cross-town connector is built, there will be an approximate gain of three feet to the property in some places.

Mr. Bill Berkley, Berkley-Howell and Associates, said Mr. Martin explained the project very thoroughly. He said this was a very small site and would have a very limited number of uses if the property remained zoned I-2. He said the petitioner was requesting a B-5 Conditional zoning, which was the same zoning as the site of the Quick-E Food Store. He said he had worked very diligently with the City to make the site plan compliment the cross-town connector.

Mr. Peter Hahn, 115 Country Club Drive spoke in opposition to the petition. He said he was the owner of the carwash next to the site of the carwash proposed by WITCO. He said he had experienced many car accidents due to heavy traffic in the area and said people drive faster than the posted speed limit. He said another car wash would cause more traffic in the area.

Mrs. Rachel Rowland, 607 Hood Street, spoke in opposition to the petition. Mrs. Rowland said there were several businesses around her home and the people on her street deserved something better than another carwash. She said business customers park on both sides of Hood Street and make it almost impossible to get onto Lakeside Drive.

Mr. Dan Weigand, 623 Hood Street, said another carwash in the area was not necessary.

Commissioner Worthington asked if the City would get more revenue if the carwash were constructed than if the property were left vacant.

Mr. Martin said if the land were developed there would be more tax revenue than if the property were left undeveloped; however, he said, he had no exact figures for Commissioner Worthington.

Mr. Wilton Burgess addressed the Commission. He said he was the owner of the Quick-E Food Stores and based on what the City was asking him to do to develop the property, he would be spending more money than he anticipated on the site. He said the land would be more to the City after it is developed.

Commissioner Echols asked if there should be an acceleration lane on Lakeside Drive.

Mr. Berkley said when the cross-town connector was built there would be no need for acceleration lanes.

Commissioner Moore asked if the traffic on Hood Street was two-way. He asked if there was any existing landscape.

Mr. Berkley answered that it was indeed two-way. He said they anticipate that most traffic at the carwash would be from people already on site. He added that traffic would exit the site at the right-only exit onto Lakeside Drive. Mr. Berkley said there was no landscape on the site that was worth saving, so everything would be planted new.

Commissioner Flint encouraged Mr. Burgess to follow the advice of the Robert E. Lee Soil and Water Conservation District as noted in the Planning staff report by installing a water recycling system.

Chair Dahlgren asked Mr. Burgess if he would be willing to adding a condition stating that he would install a system that would intermittently recycle water.

Mr. Burgess said he had no plan to recycle the water, but would go ahead and install the recycling tanks in the ground. He said if necessary he could purchase the recycling system in the future, and added that it was not cheap to recycle water.

Commissioner Flint said he saw this as a down-zoning for the site and would be less objectionable to the neighborhood and City than anything that could be built under the current zoning. He said it was landscaped well and he supported the condition.

After further discussion, Commissioner Moore made the following motion, which was seconded by Commissioner Wilkins and passed by the following vote:

“That the Planning Commission waive the 21–day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by Wilton Burgess for the property at 1200 Lakeside Drive.”

AYES:	Echols, Flint, Moore, Wilkins	4
NOES:		0
ABSTENTIONS:	Dahlgren, Worthington	2

After further discussion, Commissioner Echols made the following motion, which was seconded by Commissioner Wilkins and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the Petition of Wilton Burgess to rezone 0.476 acres at 1200 Lakeside Drive from I-2, Light Industrial District, to B-5 (Conditional), General Business District, to allow the construction and operation of an automated carwash facility.”

AYES:	Echols, Flint, Moore, Wilkins	4
NOES:		0
ABSTENTIONS:	Dahlgren, Worthington	2

1200 LAKESIDE DR
PETITIONER: WITCO, INC.
Rezoning Request I-2 to B-5 Conditional
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



Notification Area

